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INTERVIEW SUMMARY

Applicant and their undersigned representative thank the Examiner for the courtesy extended during the telephonic interviews of March 9, and April 23, 2007. The substance of those interviews consisted of discussions of the teaching of the Partyka patent and its relevance to the rejected independent claims 17 and 24. The arguments for patentability made by Applicant's undersigned representative are substantially reflected in the Remarks below.

REMARKS

Claims 15-18, 20-26 and 28 are pending. By this Amendment, claims 17 and 24 are amended.

Allowable Subject Matter

Claims 15-16 and 22-23 stand allowed.

Claim Rejections – 35 U.S.C. § 103

Claims 17-18, 20-21, 24-26 and 28 have been rejected under 35 U.S.C. § 103(a) as being obvious in view of U.S. Pat. No. 6,188,715 to Partyka. This rejection is respectfully traversed.

The Partyka patent discloses a radio transmission system in which transmitter devices transmit according to a predetermined frequency hopping algorithm and time intervals. See the paragraph beginning at col. 4, line 62 of the Partyka patent. The receiver knows the hopping algorithm and time intervals between successive transmissions, and thus determines the time of the next transmission and the frequency of the next transmission for each transmitter device. See the paragraph beginning at col. 5, line 25 of the Partyka patent. The receiver thus tracks the transmissions from the individual transmitters by tuning its frequency-selective circuit to the

corresponding frequencies just prior to the corresponding times of transmission. See col. 17 of the Partyka patent.

The Partyka patent also discloses a method of minimizing the effect of collisions, which is based on pre-selecting the hopping sequences as a function of the ID number of the transmitter device. See cols. 6 and 10 of the Partyka patent. Collisions are avoided by assigning the hopping sequences such that the sequences have a property of orthogonality. See the paragraph beginning at col. 11, line 1. Since each transmission from the transmitter devices includes the transmitter ID, the transmission time and frequency is predicted by the receiver.

Although the Partyka patent discloses the receiver predicting the time and frequency for future transmissions from individual transmitter devices, the Partyka patent does not teach or even suggest the reader predicting *whether the message will be successfully communicated,* and in advance of the message transmission, adjusting the reception activity of the reader according to a result of the prediction, as claimed in independent claims 17 and 24.

In fact, the Partyka patent teaches away from this approach by discussing a collision avoidance scheme in which the frequency hopping sequences are defined in advance in a way that avoids collisions.

The Office Action recognizes that "Partyka does not explicitly teach the claimed step of 'predicting, by the first reader, whether the first message will be successfully communicated' as set forth in the claimed invention." However, the Office Action asserted that "Partyka further teaches that the receiver attempts to decode the demodulated signal" and that "One of ordinary skill in the art . . . would have understood in order to predict whether the transmission is successfully communicated, one of the options is to attempt decoding the demodulated signal to determine if the demodulated signal is demodulated without any error."

"There must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." KSR Int'l Co. v. Teleflex Inc., No. 04-1350, slip op. at 14

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(S. Ct. 2007). Applicant respectfully points out that attempting to decode a demodulated (i.e. already transmitted and received) signal cannot fairly be regarded as *predicting* whether the communication will be successful.

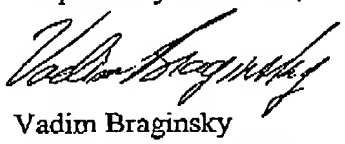
Claims 17 and 24 have been amended to clarify that the claimed first message is a future message to be communicated. Support for these claims can be found in the specification at the last paragraph beginning on page 34. In the example embodiment described, the unit 24 or 26 knows when collisions in time and frequency *may* occur (generally, whether the message will be successfully communicated), and adjust their reception accordingly.

In view of the above, a *prima facie* case for obviousness of claims 17 and 24 has not been made, and cannot be made on the basis of the Partyka patent. Dependent claims 18, 20-21, 25-26 and 28 each further defines its respective base claim; therefore these claims are also believed to be allowable.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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